

Introduced by Senator Calderon

February 23, 2007

An act to add Section 650.03 to the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

SB 907, as introduced, Calderon. Physicians and surgeons: referrals.

Existing law, with certain exceptions, prohibits the offer, delivery, receipt, or acceptance by any healing arts licensee regulated by the Business and Professions Code or under the Chiropractic Initiative Act, of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, as compensation or an inducement for referring patients, clients, or customers to any person.

This bill would provide that it is not unlawful for a physician and surgeon to provide consideration for a referral for an elective cosmetic procedure if specified conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 650.03 is added to the Business and
- 2 Professions Code, to read:
- 3 650.03. Notwithstanding Section 650, or any other provision
- 4 of law, it shall not be unlawful for a physician and surgeon licensed
- 5 under this division to provide consideration for a referral if all of
- 6 the following conditions are satisfied:
- 7 (a) The referral is made by an employee of the physician and
- 8 surgeon.

- 1 (b) The referral is for an elective cosmetic procedure performed
- 2 under local anesthetic.
- 3 (c) The individual referred made the initial contact or inquiry.
- 4 (d) The physician and surgeon charges no more than his or her
- 5 usual and customary fee for the elective cosmetic procedure
- 6 performed.
- 7 (e) The consideration does not exceed two hundred fifty dollars
- 8 (\$250).
- 9 (f) The physician and surgeon discloses the referral arrangement
- 10 to the individual referred.